

xx	Site Law	Stormwater Law	MCGP	ESC Law
Current Threshold	1. 20-acre development 2. Subdivision 3. Structure 4. Metallic mineral mining 5. Oil terminal facility No "point source" limitation.	1. 20K impervious in most at risk 2. 1 ac. impervious elsewhere 3. 5 ac. disturbed <sup>1</sup> No "point source" limitation.	1 ac. disturbed <i>if</i> a point source. <sup>2</sup> DEP has authority to regulate below one acre. MCGP only addresses activities during construction, not long-term stormwater issues.	No minimum threshold. (and no filing requirement). No "point source" limitation.
What change is proposed?	None	Change to 1 ac. disturbed. Definition similar to MCGP and federal standard, except that no "point source" limitation or authority to go below one acre is included.	None	None
Limits on jurisdiction based on area?	(1)-(3) in organized areas only. The others are state-wide.	Organized areas only.	State-wide.	Organized areas only.
Any change proposed?	No	No	No	No
Any statutory limits on where quality standards may apply?	No <sup>3</sup>	Yes -- only in "most at risk" and "sensitive or threatened".	No	NA
Any change proposed?  Apply "basic standards" (very similar to current MCGP standards) as basic minimum standards for all projects. These would be the only standards applicable to some projects.	No <sup>4</sup> . Note: a higher standard currently applies to Site Projects located in stream watersheds. This standard is set out in Ch. 500.	Yes. Remove language limiting applicability of quality standards, and apply "basic standards" in the "new" areas (retain a higher standard for Site Law projects). Incorporate performance standards from ESC law into 500, so standards are in one place and consistent.	Eventually shorten MCGP by referencing "basic standards" in Ch. 500.	No

<sup>1</sup> The definitions of "disturbed area" in the Stormwater Management Program and MCGP are currently not the same. The first is narrower; the second is broader consistent with the federal program.

<sup>2</sup> It is the Department's position that the vast majority of 1 acre and over disturbances result in a point source in Maine (concentrated flow of runoff during a storm event), due to conditions here.

<sup>3</sup> Ch. 500 specifies stormwater standards for Site Law projects. These are expected to be adjusted as the proposal for quality standards generally is completed. However, this has not yet been addressed.

<sup>4</sup> Same.